

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 21, 2010

No. 09-30903
Summary Calendar

Charles R. Fulbruge III
Clerk

EDWARD SMITH

Plaintiff - Appellant

v.

UNITED STATES FEDERAL GOVERNMENT; MAGISTRATE JUDGE
STEPHEN C. RIEDLINGER, of the United States District Court for the
Middle District of Louisiana; ELIZABETH HAECKER RYAN, Attorney-at-
Law of the firm Lemle & Kelleher; WACKENHUT CORP; LEMLE &
KELLEHER LLP

Defendants - Appellants

Appeal from the United States District Court for the
Middle District of Louisiana
No. 3:09-CV-478

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

In this appeal, Edward Smith challenges the district court's dismissal of his suit in which he claimed that defendants fraudulently obtained a judgment against him.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 09-30903

This case arises out of an earlier employment discrimination suit Smith filed against his employer Wackenhut Corporation in the United States District Court for the Middle District of Louisiana. After discovery commenced, Magistrate Judge Stephen Riedlinger recommended the dismissal of Smith's case when he repeatedly failed to meet discovery deadlines. The magistrate's recommendation was subsequently approved and the district court dismissed the suit on August 19, 2008. That judgment was not appealed.

Smith then filed this suit on July 23, 2009 against Appellees the United States, Magistrate Judge Riedlinger, his former employer and its counsel, claiming that they fraudulently colluded to dismiss his suit. On August 3, 2009, a magistrate judge filed a report recommending that this suit be dismissed against all parties as frivolous pursuant to 28 U.S.C. § 1915. The district judge accepted the magistrate's recommendations and entered judgment dismissing this suit with prejudice. Smith now appeals.

For the reasons thoroughly addressed in the magistrate judge's report, both the United States and Magistrate Judge Stephen Riedlinger are immune from suit. Additionally, Smith's brief to this court fails to address any issues regarding his former employer and its counsel. Therefore, Smith's arguments against Wackenhut, Ryan, and Lemle Kelleher are waived and considered abandoned. *See Procter & Gamble Co. v. Amway Corp.*, 376 F.3d 496, 499 (5th Cir. 2004).

Therefore, the district court's judgment is

AFFIRMED